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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
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17	E. I. DU PONT DE NEMOURS AND)	Case No. 3:11-cv-01665-JSW
18	COMPANY,)	<u>JOINT STATUS REPORT AND</u>
19	Plaintiff,)	<u>[PROPOSED] ORDER EXTENDING</u>
20	v.)	<u>STAY OF ACTION</u>
21	USA PERFORMANCE TECHNOLOGY,)	Judge: Hon. Jeffrey S. White
22	INC., PERFORMANCE GROUP (USA),)	Hearing Date: None
23	INC., WALTER LIEW, and JOHN LIU,)	
24	Defendants.)	
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29 Pursuant to the Court's January 18, 2013 Order, Plaintiff E. I. du Pont de Nemours and
30 Company ("DuPont") and defendants Walter Liew and USA Performance Technology, Inc.
31 (collectively "USAPT") submit this Joint Status Report. The parties request that the stay in this
32 matter set to expire on March 26, 2013, remain in place for an additional 60 days, through May
33 27, 2013.

34 On August 23, 2011, the United States filed *United States v. Walter Liew and Christina*
35 *Liew*, No. CR-11-0573-RS. On February 7, 2012, the United States filed a superseding
36 indictment in said action. *Id.* at Docket # 64. On March 12, 2013, the United States filed a
37 Second Superseding Indictment. *Id.* at Docket # 269,

1 DuPont's Position: The second superseding indictment alleges that defendant Walter
 2 Liew, his wife, Christina Liew, and several other defendants violated multiple federal trade
 3 secret and economic espionage laws when they stole – and utilized – the trade secrets at issue in
 4 this action. *Inter alia*, Mr. Liew is charged with Conspiracy to Commit Economic Espionage,
 5 Conspiracy to Commit Theft of Trade Secrets, Possession of Trade Secrets, Conveying Trade
 6 Secrets, Witness Tampering, and False Statements. *See id.* ¶¶ 16-97. In addition, the second
 7 superseding indictment identifies five DuPont trade secrets relating to its TiO₂ technology at
 8 issue in the criminal action. *Id.* ¶ 14.

9 USAFT's Position: Defendants believe that the second superseding indictment speaks for
 10 itself, and no further explanation or commentary is appropriate or needed.

11 On September 7, 2011, this Court issued an Order relating the criminal proceeding with
 12 this action, pursuant to its determination that this action and the criminal proceeding are related
 13 within the meaning of Crim. L.R. 8-1(b). (Docket # 42.)¹

14 On September 23, 2011, the parties filed a joint status report requesting that the stay
 15 initially entered on July 22, 2011 (Docket # 39), be extended for an additional 60 days. (Docket
 16 # 44.) On September 29, 2011, the Court granted the parties' request. (Docket # 45.)

17 On November 23, 2011, the parties filed an additional joint status report requesting that
 18 the stay be extended for an additional 60 days. (Docket # 46.) The Court granted the parties'
 19 request on November 29, 2011. (Docket # 48.)

20 On January 24, 2012, the parties filed an additional joint status report requesting that the
 21 stay be extended for an additional 60 days. (Docket # 49.) The Court granted the parties'
 22 request on January 31, 2012. (Docket # 50.)

23 On March 26, 2012, the parties filed an additional joint status report requesting that the
 24 stay be extended for an additional 60 days. (Docket # 51.) The Court granted the parties'
 25 request on March 27, 2012. (Docket # 52.)

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27 ¹ On September 16, 2011, DuPont dismissed without prejudice defendant John Liu pursuant to
 28 Federal Rule of Civil Procedure 41(a)(1). (Docket # 43.) Thus, the only remaining defendants
 in this action are Walter Liew and his company, USA Performance Technology Inc.

1 On May 23, 2012, the parties filed an additional joint status report requesting that the
2 stay be extended for an additional 60 days. (Docket # 53). The Court granted the parties'
3 request on May 23, 2012. (Docket # 54).

4 On July 23, 2012, the parties filed an additional joint status report requesting that the stay
5 be extended for an additional 60 days. (Docket # 55). The Court granted the parties' request on
6 July 24, 2012. (Docket # 56).

7 On September 21, 2012, the parties filed an additional joint status report requesting that
8 the stay be extended for an additional 60 days. (Docket # 57). The Court granted the parties'
9 request later that day. (Docket # 58).

10 On November 20, 2012, the parties filed an additional joint status report requesting that
11 the stay be extended for an additional 60 days. (Docket # 59). The Court granted the parties'
12 request later that day. (Docket # 60).

13 On January 18, 2013, the parties filed an additional joint status report requesting that the
14 stay be extended for an additional 60 days. (Docket # 61). The Court granted the parties'
15 request later that day. (Docket # 62).

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1 The undersigned counsel request that the stay remain in place for an additional 60 days,
2 at which time the parties will update the Court.

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Dated: March 26, 2013

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By /s/ Morgan K. Lopez
Attorneys for Plaintiff

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Dated: March 26, 2013

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By /s/ Daniel S. Mount
Attorneys for Defendants USA Performance
Technology, Inc., and Walter Liew

1 **[PROPOSED] ORDER**

2 Having read and considered the Joint Status Report,

3 **IT IS ORDERED THAT:**

4 The parties' request that the stay be extended until May 27, 2013 is hereby GRANTED.

5 Counsel shall submit a joint status report on or before May 20, 2013.

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8 March 26, 2013

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